

**ACTION:                      APEN REQUIRED  
PERMIT EXEMPTED**

Dear Applicant:

The Air Pollution Control Division (the Division) received your Air Pollutant Emission Notice (APEN) for your emission unit that is exempt from permit requirements for one of the following reasons per Regulation No. 3, Part B, Section II.D.1.:

- Is a stationary internal combustion engine that is an emergency power generator that operates no more than 250 hrs/year; or
- Is a stationary internal combustion engine with uncontrolled actual emissions less than 5 tons per year for each individual criteria pollutant emitted; or
- Is a stationary internal combustion engine with manufacturer's site-rated horsepower of less than 50

Actual emissions calculated and reported will be billed for this source in accordance with and in the amounts and limits specified in the provisions of Colorado Revised Statutes section 25-7-114.1.

This exemption from permit requirements is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon construction, installation and operation in accordance with this information and with representations made by the applicant or applicant's agents.

Please note, although exempt sources do not need air emission permits, they are still required to meet all applicable standards and regulations of the Air Quality Control Commission (AQCC) and other applicable federal standards (e.g. NSPS and MACT requirements). For potential applicable federal standards, refer to the table at the end of this letter. AQCC regulations include, but are not limited to: visible emissions shall not exceed 20% opacity.

If this engine is replaced with another engine, meeting the exemption criteria listed above, this exemption shall remain valid as long as a revised APEN is filed with the Division reflecting the change in equipment.

While this source is permit exempt, filing an Air Pollutant Emissions Notice(s) (APEN) is still required to report emissions. A revised APEN shall be filed: (Reference: Regulation No. 3, Part A, Section II.C.)

- a. Annually whenever a significant increase in emissions occurs as follows:

**For any criteria pollutant:**

For sources emitting **less than 100 tons per year**, a change in actual emissions of five tons per year or more, above the level reported on the last APEN submitted; or

**For any non-criteria reportable pollutant:**

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.

- b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
- c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
- d. Whenever a permit limitation must be modified; or
- e. No later than 30 days before the existing APEN expires. The APEN associated with this exemption shall expire five years from submittal date. Please refer to the most recent annual fee invoice to determine the APEN expiration date for the emissions point associated with this exemption. For any questions regarding a specific expiration date call the Division at (303)-692-3150.



Any changes with respect to the original submittal that would result in the emission source no longer qualifying for the referenced exemption automatically nullifies this exemption.

An applicant may not omit any information regarding APEN or permit exempt emission units in any permit application if such information is needed to determine the applicability of Title V, Prevention of Significant Deterioration, or nonattainment New Source Review.

**For facilities subject to a Title V Operating Permit:**

Any emission unit subject to a federal rule (e.g. NSPS, MACT) or state rule (e.g. Regulation No. 7 requirement) must be included in your Operating Permit along with the applicable requirements. The Division requires written notice of these emission units within thirty days of commencing construction. Please see Permitting Guidance Memo 09-01 (scenario #7) for more detailed information on this requirement. All Permitting Guidance Memos can be found on the Division's website (<https://www.colorado.gov/pacific/cdphe/permitting-guidance-memos>).

**For portable sources only:**

When relocating this equipment the owner or operator shall (Reference: Regulation No. 3, Part A, Section II.C.1.f and Part B, Section III.E.):

- a. Submit a Relocation Notice each time this equipment is moved to a new location. The Relocation Notice shall be received by the Division at least ten (10) days prior to the change in location.

The Relocation Notice shall include a facility emission inventory that includes all emission units at the new location. An ambient air quality impact analysis for the site shall be submitted with the Relocation Notice for this equipment if so requested by the Division.

- b. Maintain records of compliance with all additional requirements that are triggered by the relocation. Such requirements may include, but are not limited to:
  - (1) State or Federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Maximum Achievable Control Technology (MACT), and Generally Available Control Technology (GACT) requirements; and
  - (2) Major source requirements, including Title V Operating Permit, Nonattainment Area New Source Review (NANSR) and Prevention of Significant Deterioration (PSD) program requirements; and
  - (3) Permitting requirements for sources no longer permit exempt due to the relocation of this unit to the site (i.e. previously Air Pollutant Emission Notice (APEN) required, permit exempt sources).

- c. Keep a record of all relocation notices submitted to the Division.

This portable unit shall not remain at any one site for more than two (2) years. Permittee shall keep records of time spent at each site (Reference: Regulation No. 3, Part A, I.B.36.). If this unit remains at a site for two years then the permittee shall submit a revised Air Pollutant Emission Notice (APEN) requesting a permit as a non-portable stationary source.

Note: If this replaces a unit and is intended to perform the same function as the unit being replaced then the cumulate time for both units, including the time between removal of the original unit and installation of the replacement unit, will be counted toward the total time spent at the site.

If this source relocates to a site causing the facility to become Title V Operating Permit major (see Regulation No. 3, Part A, I.B.25.) or relocates to an existing Title V Permitted source then this source is subject to the provisions of Regulation No. 3, Part C, Operating Permits (Title V of the 1990 Federal Clean Air Act Amendments). The application for the Operating Permit, or modification for inclusion in the existing Operating Permit, is due within one year of the date of commencing operation at the site.

Approved by the Stationary Sources Program  
Air Pollution Control Division

PERMIT EXEMPTED

Full text of the Title 40, Protection of Environment Electronic Code of Federal Regulations can be found at the website listed below:

<http://ecfr.gpoaccess.gov/>

Source Category	Potential Applicable Requirement		
Stationary Compression Ignition Internal Combustion Engine	New Source Performance Standard (NSPS)	40 CFR Part 60	IIII
Spark Ignited Engine	New Source Performance Standard (NSPS)	40 CFR Part 60	JJJJ
Reciprocating Internal Combustion Engine (RICE)	Maximum Achievable Control Technology (MACT)	40 CFR Part 63	ZZZZ

**For Engines Subject to NSPS IIII:**

This engine shall comply with the New Source Performance Standards (NSPS) requirements of Colorado Air Quality Control Commission Regulation No. 6, Part A, Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE) including, but not limited to, the following:

[The requirements below reflect the rule language of 40 CFR Part 60 Subpart IIII published in the Federal Register on 7/11/2006. However, if revisions to this Subpart are published at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 60, Subpart IIII.]

- a. All fuel used shall meet the following specifications:
  - (1) Sulfur content shall not exceed 15 ppm
  - (2) Have a minimum cetane index of 40 or have a maximum aromatic compound content of 35% by volume
  - (3) Compliance shall be demonstrated by maintaining copies of the fuel specifications provided by the supplier on-site or in a readily accessible location and made available to the Division for inspection upon request.
- b. The engine and control devices must be installed, configured, operated and maintained according to the specifications and instructions provided by the engine manufacturer.
- c. If the engine is equipped with a diesel particulate filter, the filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached. Records shall be kept of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit is approached.
- d. If the engine is used for emergency purposes, a non-resettable hour meter must be installed prior to start-up.
- e. If the diesel fuel-fired engine referenced herein avoids tier 4 or 4i requirements by being an emergency generator, the engine shall not be used for any purpose except emergency power generation and for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. Emergency stationary ICE may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply non-emergency power as part of a financial arrangement with another entity. For owners and operators of emergency engines, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as permitted in this section, is prohibited.
- f. Emission Standards:
  - (1) The engine referenced herein shall meet all the emissions standards applicable to the engine.
  - (2) Compliance with the NSPS Subpart IIII Emissions Standards for Non-Methane Hydrocarbons (NMHC), Nitrogen Oxides (NOx), Carbon Monoxide (CO) and Particulate Matter (PM) shall be demonstrated by filing a copy of the unit's certification documentation of compliance with the NSPS Subpart IIII emissions standards, with the associated application.
- g. The following requirements of Regulation No. 6, Part A, Subpart A, General Provisions, shall apply:

- (1) At all times, including periods of start-up, shutdown, and malfunction, the engine and control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether or not acceptable operating and maintenance procedures are being used will be based on information available to the Division, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. (Reference: Regulation No. 6, Part A. General Provisions from 40 CFR 60.11)
  - (2) No article, machine, equipment or process shall be used to conceal an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. (§ 60.12)
  - (3) Written notification of construction and initial startup dates shall be submitted to the Division as required under § 60.7.
  - (4) Records of startups, shutdowns, and malfunctions shall be maintained, as required under § 60.7.
- h. This engine meets all the requirements in New Source Performance Standard (NSPS) Subpart IIII as applicable to the specific engine, including the standards required for relocating into Colorado as set forth in Regulation No. 6, Part B, Section I.C.